

REMARKS/ARGUMENTS

Claims 1-8, 17-21 and 24-26 remain in the application for further prosecution. Claims 17 and 24 have been amended. Claims 9-16, 22 and 23 were previously withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 1-8, 17-21 and 24-26 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,254,483 to Acres (“Acres”). The Office Action alleges that Acres discloses the invention. The Applicants respectfully disagree on the basis that significant claim features and limitations are missing from Acres. The Office Action rejected each of the independent claims (1, 17 and 24) as follows.

Claim 1

The Office Action states in regard to claim 1 that Acres “*discloses a method of operating a gaming machine, comprising monitoring a number of wager inputs from players of the gaming machine (6:44-50); and altering a visual motif of the gaming machine in response to the number being a certain value (abstract, 1:61-65 and 3:15-20)*” (Office Action, page 3). A review of the cited paragraphs indicates that although Acres does teach monitoring certain specific variables, *it is silent with respect to monitoring a number of wager inputs.*

Acres does teach monitoring certain variables, for example, Acres states, “*it would be desirable to change the sound effects and appearance of the machine in response to time, the rate at which the interconnected machines are played, or the status of a player*” (Acres, 3:17-20).

The Acres abstract also states that the selected parameters may be “*changed responsive to commands . . . issued in response to predetermined changes in variables such as rate of play, player status, and the time of the day, week, or month*” (Abstract, 6-10).

Acres further states, “[s]till another such variable comprises the status of a player of one of the machines Another aspect of the player status relates to the level of player play. One aspect of the level of player play includes the rate of play-both the current rate as well as the rate over a selected time period” (Acres, 6:30-39).

Acres further states, “. . . in connection with the player status, the predetermined criterion may comprise a predetermined level of player play, e.g., establishing a predetermined rate of player play. Another predetermined criterion relates to the level of money wagered in the entire system This criterion could comprise the rate of money wagered on the entire system, as opposed to the criterion set forth above relating to the rate at which single player wagers” (Acres, 6:4-50).

Acres is, however, silent with respect to *monitoring a number of wager inputs from players of the gaming machine* as described in claim 1. Acres only specifically describes monitoring predetermined criteria such as time of the day, week, or month, rate of play, and player status.

The Applicants maintain that monitoring a number of wager inputs from players . . . and altering a visual motif . . . in response to said number being a certain value . . . as described in claim 1 is a novel and non-obvious feature over Acres.

Claim 17

The Office Action states in regard to claim 17 that Acres “discloses a method of operating a gaming machine, comprising storing a plurality of data sets for producing a plurality of different types of visual motifs on a display of the gaming machine (6:4-12); displaying a first visual motif on a display, discontinuing the first visual motif and displaying a

second visual motif on the display based upon use of the gaming machine (abstract and 6:13-62)” (Office Action, page 4).

Claim 17 previously stated that a display was changed to a different type of visual motif, *“based on the use of said gaming machine by players.”* Claim 17 has been amended to more clearly and distinctly claim the invention. Claim 17 has been amended by this reply to state that a visual motif is changed *“based on the number of wager inputs by the players.”*

As discussed for claim 1 above, Acres is silent with respect to ***monitoring a number of wager inputs from players of the gaming machine*** described in claim 17. Acres only specifically describes monitoring predetermined criteria such as time, rate of player play, and player status.

The Applicants maintain that changing the visual motif based on the number of wager inputs by players as described in claim 17 is a novel and non-obvious feature over Acres.

Claim 24

The Office Action states in regard to claim 24 that *“[c]laims 24-26 correspond in scope to a gaming machine set forth for use of the method listed in the claims above and are encompassed by use as set forth in the rejection above.”*

Claim 24 previously stated, in part, *“said processor monitoring plays from players”* and *“said processor selecting one of said at least two data sets in response to said wager inputs meeting a certain criteria.”* Claim 24 has been revised to more particularly and distinctly claim the invention. Claim 24 now states, *“said processor monitoring a number of wager inputs from players”* and *“said processor selecting one of said at least two data sets in response to the number of said wager inputs.”*

As discussed for claim 1 above, *Acres is silent with respect to monitoring a number of wager inputs from players of the gaming machine.* Acres only specifically describes monitoring predetermined criteria such as time, rate of player play, and player status.

The Applicants maintain that selecting one of said at least two data sets in response to the number of said wager inputs is a novel and non-obvious feature over Acres.

Conclusion

The Applicants maintain that *altering the gaming machine's visual motif in response to the number of wager inputs* is a novel and non-obvious feature over Acres. Altering the visual motif of the game maintains the player's interest in the game and encourages the player to continue playing.

To maintain player interest in the game, the change in visual motif should be timed with the player in mind. Changing the visual motif too often creates player confusion. Change too slowly, and a player may not play long enough to even experience a change in motif. Because the number of wager inputs determines when the motif is changed, the length of time that a player sees a particular motif can be closely controlled. Monitoring the number of wager inputs allows a new motif to be automatically implemented after a reasonable number of game plays.

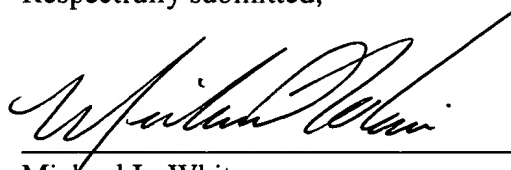
In contrast, Acres requires players to wager at predetermined rates to change game appearance. (Acres, Abstract) As many, if not most, players wager at relatively constant rates, (some wager modest amounts, some wager aggressively) many players may not experience any change in game appearance. Acres also changes game appearance in response to the "time of day, week, or month." (Acres, Abstract). Again, this does not control the length of time a player may see a particular motif before a new motif is displayed. Finally, Acres suggests changing the game appearance based on the player's status. (Acres, Abstract). Again, since the player's

status (e.g., as determined by membership in a casino's player tracking club) does not generally change, the player will generally not experience a change in the game's appearance.

All of the triggers described by Acres for changing the game appearance are independent of the length of time that the player views a particular motif while playing the game. In fact, the game appearance triggers advocated by Acres will probable not trigger a change in game appearance for most players, and certainly will not ensure a new game appearance after a player has played the game a minimum number of times as determined by monitoring the number of wager inputs. Consequently, *Acres teaches away from the present invention's objective to regularly change the game's motif during the course of the game to increase player interest in the game.*

For all of the above reasons, it is the Applicants' belief that the claims are now in condition for allowance and action towards that end is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,



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Date: June 19, 2003